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REMARKS

This Response is being filed responsive to the Office Action dated April 14, 2006. For the following reasons, this application should be considered in condition for allowance and the case passed to issue.

Claims 1-15 and 17-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Waddington, et al. (hereafter "Waddington"). Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Waddington in view of Shore. These rejections are hereby traversed and reconsideration and withdrawal thereof are respectfully requested. The following is a comparison of the present invention with the Waddington and Shore references.

The present invention relates to a method and apparatus for buyer created invoicing. As provided, for example, in Claim 1, embodiments of the invention include a method of creating invoices for goods or services supplied to a buyer from a supplier. The method comprises receiving the goods or services of the buyer, the receipt of the goods or services evidenced by a receipt document. The buyer generates invoices based on a receipt document and provides the generated invoices to the supplier. Claim 10 relates to a computer readable media that bears instructions that cause the computer at a buyer to determine at the buyer that goods have actually been received at the buyer, and create an invoice at the buyer based on the determination that goods have actually been received at the buyer. Claim 17 provides an invoicing system for goods and services, and comprises a computer system, and means for creating invoices from the computer system at a buyer based on goods or services actually received at the buyer.

All of these claims have in common that the invoices are created at the buyer. It is respectfully submitted that the cited reference, Waddington, fails to show this feature.

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In order to anticipate a claim under 35 U.S.C. §102, a single prior art reference must identically disclose each and every element of the claimed invention. It is respectfully submitted that Waddington fails to satisfy this high burden. In particular, Waddington fails to show or suggest a buyer generating invoices.

Waddington, U.S. Patent Application Publication 20020010661 A1, relates generally to a distribution system, but does not provide any description of a buyer creating an invoice. In making the rejection, the Examiner stated that in regards to claims 1-4, the buyer generating invoice is based on the receipt document and providing the generated invoices to the supplier was described in at least paragraph [0011]: buyer verifies contents using shipping record and item lists. However, this assertion is not factually supported by the specification of Waddington, as discussed below.

It is not understood how the verification of contents using a shipping record and item lists by a buyer is the same as a buyer generating invoices based on a receipt document. Nor does verification of contents mean the same as providing generated invoices to the supplier. As stated above, in order to anticipate the claims of an application, the reference must *identically* disclose each and every element or step of the claimed invention. It can hardly be said that verifying the contents of a shipping container is the same as generating an invoice. In fact, the paragraph cited by the Examiner, paragraph [0011] does not even mention invoices. But other sections of the Waddington reference *do* mention invoices. It is clear from such mentions, however, that the invoices and invoice data are created by the supplier.

For example in paragraph [0118] it states that "The displayed delivery information includes the invoice date, the count number, invoice numbers, delivery date and time, proof of signature and summary of containers delivered." In paragraph [0122], it states that "For

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receiving, the retail store 16 downloads shipment and invoice data from the distribution center computer system to a retail computer system at step 310.” In paragraph [0123] it states “the distribution sensor computer system sends files containing shipment and invoice data to the retail store computer system” and further, it states “After the retail computer system has obtained the shipment and invoice data, the shipment and invoice data is downloaded to the retail device 300 at step 312.” In fact, paragraph [0123] continues to say “Next the receiving agent reconciles the actual receipt of the ordered items of the shipment and invoice data on the retail device 300 at step 318.”

From all of these citations, it becomes very apparent that the invoice data and invoices are created in the Waddington system by the distributor, and not the buyer. The invoice data is provided to the buyer, rather than the buyer creating or generating invoices. The invoice provided by the distributor is used by the buyer in Waddington to check for complete receipt of the goods. It is much different than the present invention, and certainly is not sufficient to *identically* disclose the claimed steps or elements regarding the creation of invoices by a buyer. As such, the rejection of claims 1-15 and 17-20 under 35 U.S.C. 102(e) is not factually or legally viable. Reconsideration and withdrawal of the rejection of these claims under 35 U.S.C. 102(e) are therefore respectfully requested.

The rejection of claim 16 states that Shore teaches that it is known to include forwarding an invoice by electronic mail in a similar environment. Shore fails to overcome any of the deficiencies noted with respect to Waddington. Hence, even if Shore discloses the feature asserted by the Examiner, the combination of Waddington and Shore fails to show or suggest the claimed invention. Reconsideration and withdrawal of the rejection of claim 16 are therefore respectfully requested.

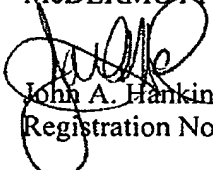
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In light of the discussion above, this application should be considered in condition for allowance and the case passed to issue. If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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